



GREENBLUM & BERNSTEIN, P.L.C.
Intellectual Property Causes
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Image

Attorney Docket No. P21489

In re application of : Werner BRETTSCHEIDER et al.

Serial No. : 10/023,995

Mail Stop NON-FEE

Group Art Unit : 1731

Filed : December 21, 2001

Examiner : M. ALVO

For : PROCESS FOR MANUFACTURING SCREENS SUITABLE FOR USE IN WET
 SCREENING FIBROUS PAPER SUSPENSIONS

Mail Stop Non-Fee

COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an Election with Traverse in the above-captioned application.

☐ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☐ A Request for Extension of Time.

☒ No Additional Fee.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 44	*44	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 2	**3	0	x 43=	\$	x 86=	\$0.00
No. of Dependent Claims.			145=	\$	+290=	\$0.00
Extension Fees for Month				\$		\$0.00
Total:				\$	Total:	\$0.00

*If less than 20, write 20

**If less than 3, write 3

☐ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

☒ A Check in the amount of \$_____ to cover the filing/extension fee is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136)(a)(3).

Neil F. Greenblum
 Neil F. Greenblum
 Reg. No. 28,394

35,893



P21489.A03

Customer No.: 7055

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Werner BRETTSCHEIDER et al. Confirmation No.: 8163
Appln. No. : 10/023,995 Group Art Unit: 1731
Filed : December 21, 2001 Examiner: M. Alvo
For : PROCESS FOR MANUFACTURING SCREENS SUITABLE FOR USE
IN WET SCREENING FIBROUS PAPER SUSPENSIONS

ELECTION WITH TRAVERSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's restriction requirement of February 17, 2004, the time set for response being one month from the mailing date from the U.S. Patent and Trademark Office, i.e., March 17, 2004, Applicants hereby elect the invention of Group I, including claims 1 - 22. The above election is made with traverse for the reasons set herein below:

In the Official Action of February 17, 2004, the Examiner indicated that all claims (1 - 44) were subject to restriction under 35 U.S.C. § 121. The Examiner restricted the claimed invention into Group I, including claims 1 - 22, drawn to a process of making a screen, classified in class 29, subclass 896.6; and Group II, including claims 23 - 44, drawn to a screen, classified in class 162, subclass 251.

The Examiner asserted that the inventions were related as product and process of use, and that the inventions are distinct from each other under M.P.E.P. § 806.05(h) because the "product can

be made by different processes, e.g., can be made of openings not structured for sorting."

Applicants respectfully submit that the Examiner has omitted one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. That is, as set forth in M.P.E.P. § 803, "an appropriate explanation" must be advanced by the Examiner as to the existence of a "serious burden" if the restriction requirement were not required.

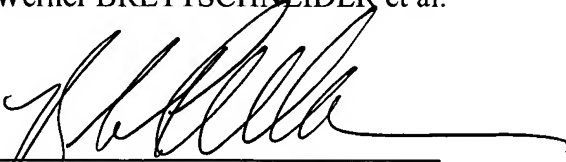
While the Examiner has alleged a possible distinction between the two identified groups of invention, the Examiner has not shown that a concurrent examination of these groups would present a "serious burden" on the Examiner. In fact, while the Examiner has noted that the individual groups would be classified in different classes, there is no appropriate statement that the search areas required to examine the invention of group I would not overlap into the search areas for examining the invention of group II, and vice versa. Applicants respectfully submit that the search for the combination of features recited in the claims of the above-noted groups, if not totally co-extensive, would appear to have a very substantial degree of overlap.

Because the search for each group of invention is substantially the same, Applicants submit that no undue or serious burden would be presented in concurrently examining Groups I and II. Thus, for the above-noted reasons, and consistent with the office policy set forth above in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement in this application.

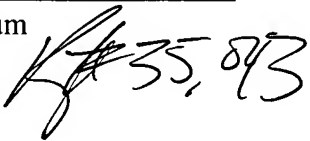
For all of the above reasons, the Examiner's restriction is believed to be improper. Nevertheless, Applicants have elected, with traverse, the invention defined by Group I, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions or comments, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted
Werner BRETTSCHEIDER et al.



Neil F. Greenblum
Reg. No. 28,394



March 17, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191